

TERRA BELLA IRRIGATION DISTRICT

BR

24790 Avenue 95
Terra Bella CA 93270

Established 1915

559/535-4414
Fax 559/535-5168

EDWIN L. WHEATON, President
Division 3
BRENT E. DOYEL, Vice-President
Division 1
GARY K. SCHULTZ
Division 2
GLEN R. FOWLER
Division 4
ALFREDO MARTINEZ
Division 5

SEAN P. GEIVET
General Manager
KAREN L. KERWOOD
Secretary-Treasurer
MINASIAN LAW FIRM
Legal Counsel
KELLER-WEGLEY
ENGINEERING
Consulting Engineer

March 13, 2007

State of California
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

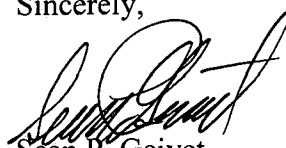
2007 MAR 16 AM 2:10
STATE OF CALIFORNIA
DIVISION OF WATER RIGHTS
SACRAMENTO

Ladies and Gentlemen:

In reviewing our records, we find we have overlooked filing a "Statement of Water Diversion and Use" for the years 2001-2006. Enclosed are statements for the missing years - 2001, 2002, 2003, 2004, 2005 and 2006.

Should you have any questions or require additional information, please contact the undersigned.

Sincerely,



Sean P. Geivet
General Manager

SPG/kk
encl:

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
1001 I Street, 14th Floor, Sacramento, CA 95814
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

STATE WATER RESOURCES
CONTROL BOARD

2007 MAR 16 AM 2:11

STATEMENT OF WATER DIVERSION AND USE

DIVISION OF WATER RIGHTS
SACRAMENTO

(This is not a Water Right)

This Statement should be typewritten or legibly written in ink and submitted to the address above.
A separate statement should be filed for each point of diversion. A duplicate copy will be returned for your file.

- A. Name of person diverting water TERRA BELLA IRRIGATION DISTRICT
Address 24790 AVENUE 95
TERRA BELLA, CA 93270-9695 Telephone: (559) 535-4414
- B. Water is used under: Riparian claim; _____ Pre 1914 right; X Other (explain) _____
- C. Name of the body of water at the point of diversion
DEER CREEK
Tributary to TULARE LAKE BASIN
- D. Point of diversion is located within TULARE County on Assessors Parcel # _____, being
within the NE 1/4 of NE 1/4 of Section 30, of Township 22S, Range 28E, M.D. B&M.
Name of works DEER CREEK DITCH DIVERSION
- E. Do you own the land at the point of diversion? Yes _____ NO X The name and address of the owner of the land is:
GRATIAN BIDART, 11380 RD 264, PORTERVILLE, CA 93257
- F. Capacity of diversion works UNKNOWN (cfs, gpm, or gpd) Capacity of storage tanks or reservoir NA (gallons or acre-feet)
Type of diversion facility: Gravity X Pump _____
Method of measurement: Weir _____ Flume X Electric Meter _____ Estimate _____
- G. Enter the amount (or approximate amount) of water used each month.
Amounts below are shown in: Gallons _____ Acre-feet X Other _____
- | Year | Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | Total Annual |
|------|-----|-----|-----|-----|-----|------|------|-----|------|-----|-----|-----|--------------|
| 2001 | | 177 | 564 | 565 | 294 | | | | | | | 315 | 1915 |
- H. Annual water use in recent years: Maximum 8,000 (gallons or acre-feet) Minimum -0- (gallons or acre-feet)
Year of first use (nearly as known) 1899
- I. Purpose of use: What is the water being used for: (example, number of acres and type of crop irrigated, average number of persons served, number of stock watered, etc.) GROUNDWATER RECHARGE
- J. General description or location of place of use (example: 40 acres of pasture located 3 miles from Happyville on Alpha Road) TWO ACRE SPREADING POND AT AVENUE 104 & ROAD 236
- K. Map: Please locate the point of diversion and place of use on a print of a USGS quad map, or make a sketch on the section grid provided on the reverse side of this form. The sketch should identify the section lines, prominent local landmarks and roads, your point of diversion, and your place of use (your house, acreage irrigated, etc.).
- L. Please answer only those questions below which are applicable to your project.

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1. Conservation of water

a. Describe any water conservation efforts you may have started: NA

2. Water quality and wastewater reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES ☐ NO ☒

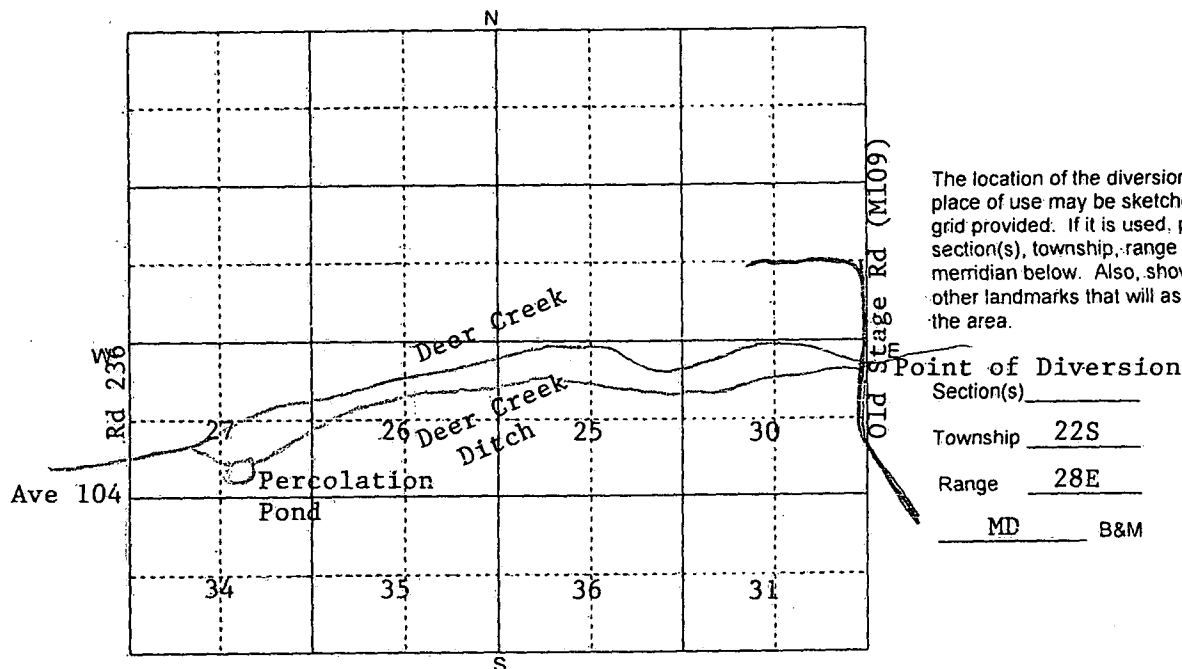
I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATE: MARCH 13, 2007 at TERRA BELLA, California

SIGNATURE: [Signature]

PRINTED NAME: SEAN P. GEIVET
(first name) (middle init.) (last name)

COMPANY NAME: TERRA BELLA IRRIGATION DISTRICT



GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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STATE WATER RESOURCES
CONTROL BOARD

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DIVISION OF WATER RIGHTS
830-15170

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Type of diversion facility: Gravity X Pump _____
Method of measurement: Weir _____ Flume X Electric Meter _____ Estimate _____
- G. Enter the amount (or approximate amount) of water used each month.

Amounts below are shown in: Gallons _____ Acre-feet X Other _____

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2002	334	289	524	489	373	50						56	2115

- H. Annual water use in recent years: Maximum 8,000 (gallons or acre-feet) Minimum -0- (gallons or acre-feet)
Year of first use (nearly as known) 1899
- I. Purpose of use: What is the water being used for: (example, number of acres and type of crop irrigated, average number of persons served, number of stock watered, etc.) GROUNDWATER RECHARGE
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- L. Please answer only those questions below which are applicable to your project:

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STATEMENT (12-03)

1. Conservation of water
 - a. Describe any water conservation efforts you may have started: NA
2. Water quality and wastewater reclamation
 - a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES ☐ NO ☒

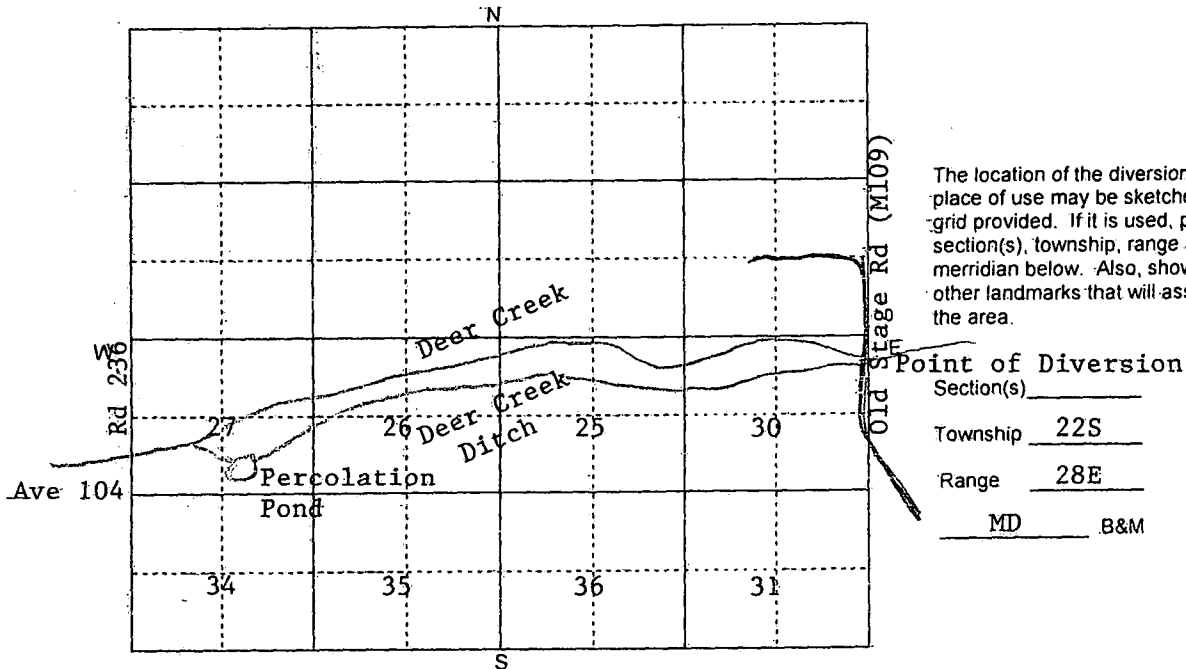
I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATE: MARCH 13, 2007 at TERRA BELLA, California

SIGNATURE: *Sean P. Geivet*

PRINTED NAME: SEAN P. GEIVET
(first name) (middle init.) (last name)

COMPANY NAME: TERRA BELLA IRRIGATION DISTRICT



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STATE WATER RESOURCES
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DIVISION OF WATER RIGHTS
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Tributary to TULARE LAKE BASIN
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Name of works DEER CREEK DITCH DIVERSION
- E. Do you own the land at the point of diversion? Yes _____ NO X The name and address of the owner of the land is:
GRATIAN BIDART, 11380 RD 264, PORTERVILLE, CA 93257
- F. Capacity of diversion works UNKNOWN (cfs, gpm, or gpd) Capacity of storage tanks or reservoir NA (gallons or acre-feet)
Type of diversion facility: Gravity X Pump _____
Method of measurement: Weir _____ Flume X Electric Meter _____ Estimate _____
- G. Enter the amount (or approximate amount) of water used each month.
Amounts below are shown in: Gallons _____ Acre-feet X Other _____

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2003	124	94	269	238	232								957

- H. Annual water use in recent years: Maximum 8,000 (gallons or acre-feet) Minimum -0- (gallons or acre-feet)
Year of first use (nearly as known) 1899
- I. Purpose of use: What is the water being used for: (example, number of acres and type of crop irrigated, average number of persons served, number of stock watered, etc.) GROUNDWATER RECHARGE
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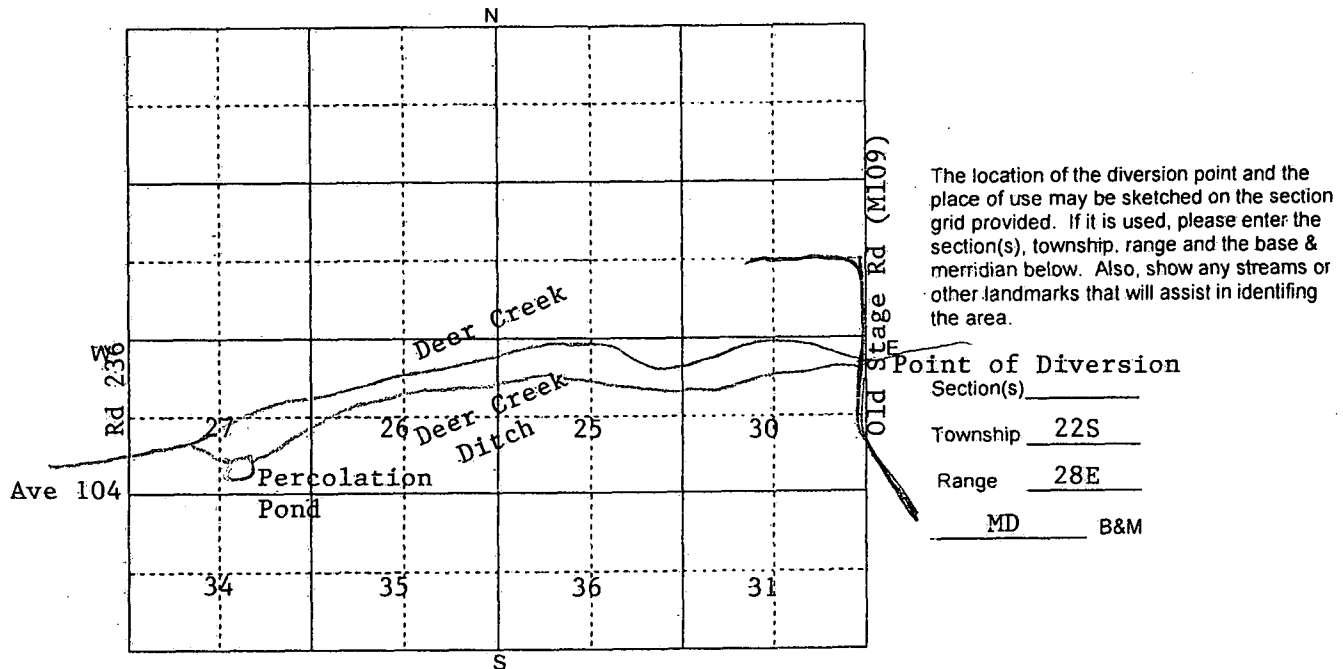
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SIGNATURE: [Signature]

PRINTED NAME: SEAN P. GEIVET
(first name) (middle init.) (last name)

COMPANY NAME: TERRA BELLA IRRIGATION DISTRICT



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ON
DIVISION OF WATER RIGHTS
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Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2004	229	532	410	438	63								1672

- H. Annual water use in recent years: Maximum 8,000 (gallons or acre-feet) Minimum -0- (gallons or acre-feet)
Year of first use (nearly as known) 1899
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- J. General description or location of place of use (example: 40 acres of pasture located 3 miles from Happyville on Alpha Road) TWO ACRE SPREADING POND AT AVENUE 104 & ROAD 236
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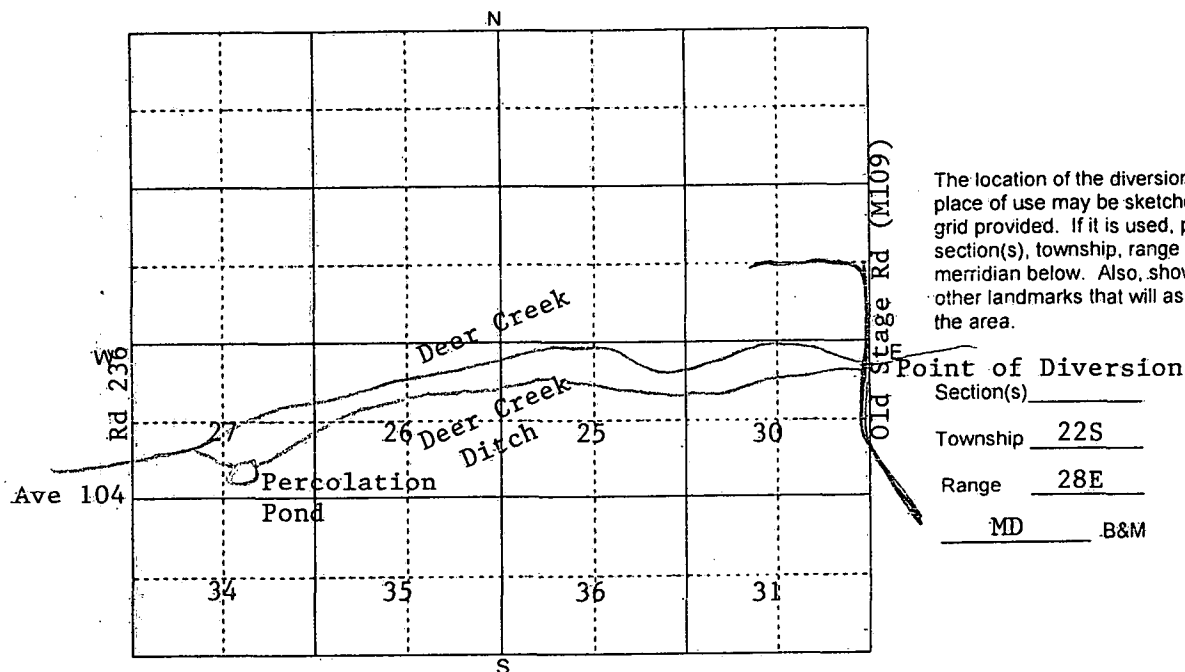
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2005	233	64	265	63								386	1011

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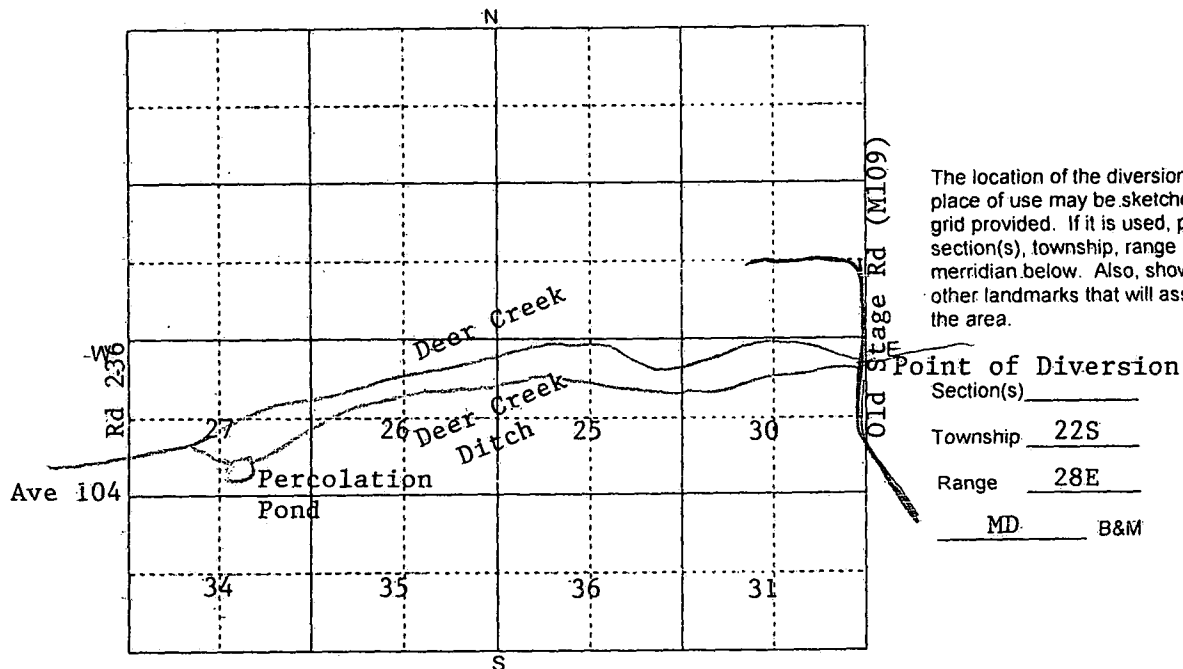
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Statements of Water Diversion and Use must be filed by a riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Right in California and (3) Appropriation of Water in California.

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
1001 I Street, 14th Floor, Sacramento, CA 95814
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

STATE WATER RESOURCES
CONTROL BOARD

2007 MAR 16 AM 2:11

DIVISION OF WATER RIGHTS
SACRAMENTO

STATEMENT OF WATER DIVERSION AND USE

(This is not a Water Right)

This Statement should be typewritten or legibly written in ink and submitted to the address above.
A separate statement should be filed for each point of diversion. A duplicate copy will be returned for your file.

- A. Name of person diverting water TERRA BELLA IRRIGATION DISTRICT
Address 24790 AVENUE 95
TERRA BELLA, CA 93270-9695 Telephone: (559) 535-4414
- B. Water is used under: Riparian claim; _____ Pre 1914 right; X Other (explain) _____
- C. Name of the body of water at the point of diversion
DEER CREEK
Tributary to TULARE LAKE BASIN
- D. Point of diversion is located within TULARE County on Assessors Parcel # _____, being
within the NE 1/4 of NE 1/4 of Section 30, of Township 22S, Range 28E, M.D. B&M.
Name of works DEER CREEK DITCH DIVERSION
- E. Do you own the land at the point of diversion? Yes _____ NO X The name and address of the owner of the land is:
GRATIAN BIDART, 11380 RD 264, PORTERVILLE, CA 93257
- F. Capacity of diversion works UNKNOWN (cfs, gpm, or gpd) Capacity of storage tanks or reservoir NA (gallons or acre-feet)
Type of diversion facility: Gravity X Pump _____
Method of measurement: Weir _____ Flume X Electric Meter _____ Estimate _____
- G. Enter the amount (or approximate amount) of water used each month.
Amounts below are shown in: Gallons _____ Acre-feet X Other _____

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2006		54	291	211									556

- H. Annual water use in recent years: Maximum 8,000 (gallons or acre-feet) Minimum -0- (gallons or acre-feet)
Year of first use (nearly as known) 1899
- I. Purpose of use: What is the water being used for: (example, number of acres and type of crop irrigated, average number of persons served, number of stock watered, etc.) GROUNDWATER RECHARGE
- J. General description or location of place of use (example: 40 acres of pasture located 3 miles from Happyville on Alpha Road) TWO ACRE SPREADING POND AT AVENUE 104 & ROAD 236
- K. Map: Please locate the point of diversion and place of use on a print of a USGS quad map, or make a sketch on the section grid provided on the reverse side of this form. The sketch should identify the section lines, prominent local landmarks and roads, your point of diversion, and your place of use (your house, acreage irrigated, etc.).
- L. Please answer only those questions below which are applicable to your project.

Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.

STATEMENT (12-03)

1. Conservation of water

a. Describe any water conservation efforts you may have started: NA

2. Water quality and wastewater reclamation.

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES NO X

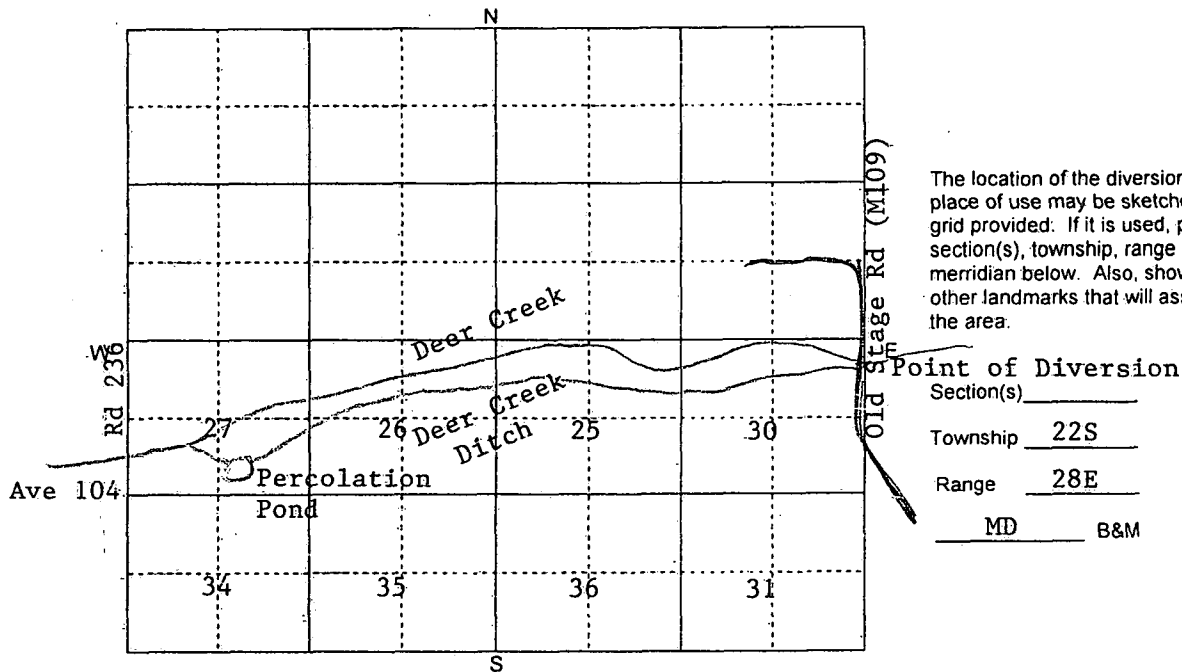
I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATE: MARCH 13, 2007 TERRA BELLA, California

SIGNATURE: [Signature]

PRINTED NAME: SEAN P. GEIVET
(first name) (middle init.) (last name)

COMPANY NAME: TERRA BELLA IRRIGATION DISTRICT



GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the source of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to 1) store water for later use 2) divert water which originates in a different watershed 3) divert water released from storage, or 4) divert return flows from groundwater use.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by a riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Right in California and (3) Appropriation of Water in California.

State of California, State Water Resources Control Board
Division of Water Rights
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400 Web: <http://waterrights.ca.gov>

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return this Form by **JULY 1, 2007**

Primary Owner: **TERRA BELLA IRRIGATION DISTRICT**

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING
TERRA BELLA IRRIGATION DISTRICT
24790 AVE 95
TERRA BELLA, CA 93270

STATEMENT NO.: **S004333**
CONTACT PHONE NO.: **(209) 535 - 4812**

Source Name: **DEER CREEK**

Tributary To:

County: **Tulare**

Diversion Within: **NE¼ of NE¼ Section 30 T22S, R28E, MB&M**

Year of First Use: **1899**
Parcel Number: **28**

- A. **Water is Used Under:** Riparian claim _____ Pre-1914 right ☒ Other (explain): _____
- B. **Year of First Use:** (Please provide if missing above) _____
- C. **Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.

Amounts below are in: Gallons _____ Million Gallons (MG) _____ Acre-feet (AF) ☒ Other _____

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2004	229	532	410	438	63								1672
2005	233	64	265	63								386	1011
2006		54	291	211									556

- D. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____ acres; Stockwatering _____; Domestic _____;

Other (specify) **GROUNDWATER RECHARGE**

- E. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.
(New pump, enlarged diversion dam, location of diversion, etc.)

- F. --Please answer only those questions below which are applicable to your project.

1. Conservation of water

- a. Are you now employing water conservation efforts? YES _____ NO _____

Describe any water conservation efforts you have initiated: _____

- b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriate right, please show the amount of water conserved:

Reduction in Diversions:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

Reduction in consumptive use:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES _____ NO _____

Reviewed by
BOT 7/11/07

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree, which unreasonably affects such water for other beneficial uses? YES ____ NO ____.
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:
Year ____ (AF/MG) Year ____ (AF/MG) Year ____ (AF/MG)

State the type of substitute water supply: _____

Amount of substitute water supply used:
Year ____ (AF/MG) Year ____ (AF/MG) Year ____ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES ____ NO ____.

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES ____ NO ____.
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year ____ (AF/MG) Year ____ (AF/MG) Year ____ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES ____ NO ____.

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: APRIL 11, 2007 at TERRA BELLA, California

SIGNATURE: _____

PRINTED NAME: SEAN P. GEIVET
(first name) (middle initial) (last name)

COMPANY NAME: TERRA BELLA IRRIGATION DISTRICT

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION
_____	_____
_____	_____
_____	_____
_____	_____

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

TERRA BELLA IRRIGATION DISTRICT

24790 Avenue 95
Terra Bella CA 93270

Established 1915

S004333

559/535-4414
Fax 559/535-5168

EDWIN L. WHEATON, President
Division 3

BRENT E. DOYEL, Vice-President
Division 1

GARY K. SCHULTZ
Division 2

ANTHONY M. GIANNETTO
Division 4

CARL S. RAMOS
Division 5

SEAN P. GEIVET
General Manager

KAREN L. KERWOOD
Secretary-Treasurer

MINASIAN LAW FIRM
Legal Counsel

KELLER-WEGLEY
ENGINEERING
Consulting Engineer

November 22, 2005

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

Re: **Terra Bella Irrigation District - Letter of Protest Regarding Notice of
Determination (Billing) for Water Rights Fees Issued November 7, 2005**

Gentlepersons:

Under separate cover directed to the State Board of Equalization, Terra Bella Irrigation District is mailing its check in the sum of \$11,728.70 to pay in full the water right fee assessed against Terra Bella Irrigation District ("Terra Bella") based upon Application ID USBR 1288 on November 7, 2005.

Terra Bella makes this payment under protest, the basis of which is explained in the petition for reconsideration attached hereto.

Terra Bella believes if the litigation Northern California Water Association and Central Valley Project Water Users Association v. State Water Resources Control Board, et al., Sacramento County Superior Court Case No. 03CS01776, consolidated with Case No. 04CS00473, and Case No. 04CS01467 is decided in favor of the plaintiffs, that Terra Bella should be entitled to a refund of the payment previously made.

Very truly yours,

TERRA BELLA IRRIGATION DISTRICT

By: 

SEAN GEIVET, MANAGER

cc: State Board of Equalization
P.O. Box 942879
Fuel Industry Section
Sacramento, CA 94279-0030

Michael V. Sexton, Esq.

STATE WATER RESOURCES
CONTROL BOARD
DIV OF WATER RIGHTS
SACRAMENTO
2005 NOV 28 PM 4:35

Member Friant Power Authority

REF 70 NCWA
LITIGATION

TERRA BELLA IRRIGATION DISTRICT

24790 Avenue 95
Terra Bella CA 93270

Established 1915

559/535-4414
Fax 559/535-5168

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BRENT E. DOYEL, Vice-President
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Division 2
ANTHONY M. GIANNETTO
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SEAN P. GEIVET
General Manager
KAREN L. KERWOOD
Secretary-Treasurer
MINASIAN LAW FIRM
Legal Counsel
KELLER-WEGLEY
ENGINEERING
Consulting Engineer

November 22, 2005

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

STATE WATER RESOURCES
CONTROL BOARD
2005 NOV 28 PM 4:14
DIV OF WATER RIGHTS
SACRAMENTO

Re: Petition for Reconsideration of Terra Bella Irrigation District Relating to
Notice of Determination of Water Rights Fees Made November 7, 2005
Water Code '1122; Title 23 CCR '768, et seq.; 1077 et seq.

Dear Members of the State Water Resources Control Board:

A. Fees Based on Application ID Number USBR 1288

Terra Bella Irrigation District (hereinafter TBID) petitions for reconsideration of the Notice of Determination of the State Water Resources Control Board referenced above which imposed water rights fees on TBID in the total sum of \$11,728.70 for the period 7-1-05 through 6-30-06.

1. Name and Address of Petitioner

Terra Bella Irrigation District
24790 Avenue 95
Terra Bella, CA 93270

2. The Specific Board Action of Which Petitioner Requests Reconsideration

Notice of Determination dated November 7, 2005 imposing water rights fees in the total sum of \$11,728.70 for the period 7-1-05 through 6-30-06 based upon Application ID Number USBR 1288.

State Water Resources Control Board

Re: Petition for Reconsideration of Lindsay-Strathmore Irrigation District Relating to Notice of Determination of Water Rights Fees Made November 7, 2005

November 22, 2005

Page 2.

3. The Date on Which the Order or Decision Was Made By the Board

November 7, 2005.

4. The Reason the Action Was Inappropriate or Improper

a. The charges imposed by State Water Resources Control Board (SWRCB) are unconstitutional and invalid because they were adopted in violation of law, in excess of the SWRCB's jurisdiction, and in a manner that is inconsistent with the Water Code. Water right fees of this type are currently being challenged in the cases of Northern California Water Association et al. v. State Water Resources Control Board, et al., Case No. 03CS01776, consolidated with Case No. 04CS00473, and Case No. 04CS01467.

b. The fees impose a new tax in violation of California Constitution Article XIII A, Sections 1 and 2. SB 1049 was not passed by a two-thirds vote of the Legislature in violation of Article XIII A, Section 3.

c. The fees are unconstitutionally discriminatory as applied to holders of water rights.

d. The fees impose charges on holders of water rights that are not related to regulatory functions and therefore amount to an unlawful tax and/or an *ad valorem* tax in violation of California Constitution Article XIII A., Sections 1 and 2.

e. The water right fees pass through the United States Bureau of Reclamation, on the basis that it enjoys sovereign immunity which precludes the imposition of such fees, to its CVP water service contractors; however, the CVP water service contractors and the Bureau of Reclamation are so closely connected with respect to the use of water pursuant to water service contract that they cannot be viewed separately. The sovereign immunity applicable to the United States extends to its CVP water service contractors. Additionally, the SWRCB has determined that CVP water service contractors are not legally users of water and therefore do not hold rights to the water contracted for with the Bureau of Reclamation. If CVP water service contractors are not legally users of water, there is no basis upon which to assess water use fees against them.

State Water Resources Control Board

Re: Petition for Reconsideration of Lindsay-Strathmore Irrigation District Relating to
Notice of Determination of Water Rights Fees Made November 7, 2005

November 22, 2005

Page 3.

f. SWRCB Regulations adopted to collect fees are inconsistent with statutory mandates that a state agency can only adopt a fee schedule that does not exceed the reasonable cost of providing services necessary to the agency's regulatory activity.

5. The Specific Action Which Petitioner Requests

TBID requests that the State Water Resources Control Board find that the notice of determination that TBID is responsible for the water rights fees in the total sum of \$11,728.70 for the period 7-1-05 through 6-30-06 based on the Application ID number listed in paragraph 2 of this petition were improperly made and the water right fee bills were improperly assessed and requests a refund of all monies paid pursuant thereto.

6. A Statement that Copies of the Petition and Accompanying Materials Have Been Sent to All Interested Parties

TBID does not believe that this petition is required to be sent to any other parties.

B. Existence of Litigation

TBID believes that the lawsuits filed by Northern California Water Association and Central Valley Project Water Association versus the State Water Resources Control Board, et al., Sacramento County Superior Court Case No. 03-CS 01776, consolidated with Case No. 04CS00473, and Case No. 04CS01467, support this petition for reconsideration. If the litigation is decided in favor of the plaintiffs, then TBID requests a full refund of all monies paid.

Very truly yours,

TERRA BELLA IRRIGATION DISTRICT

By: 

SEAN GEIVET, MANAGER

cc: State Board of Equalization
P.O. Box 942879
Fuel Industry Section
Sacramento, CA 94279-0030

Michael V. Sexton, Esq.

S-4 333

** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS **

APR 12-18-95

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S004333

OWNER OF RECORD: TERRA BELLA IRRIGATION DISTRICT

TERRA BELLA IRRIGATION DISTRICT

24790 AVENUE 95

TERRA BELLA, CA 93270

STATE WATER RESOURCES CONTROL BOARD
DIV. OF WATER RIGHTS
SACRAMENTO
1995 JUN -6 PM 1:15

SOURCE: DEER CREEK

TRIBUTARY TO:

COUNTY: TULARE

DIVERSION

WITHIN: NE¼ OF NE¼ SECTION 30, T22S, R28E, MDB&M.

TELEPHONE NUMBER:

(209) 535-4414

YEAR OF FIRST USE: 1899

PARCEL NO:

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, 1995

A. Water is used under: Riparian claim _____; Pre 1914 right X; Other (explain) _____B. Year of first use (Please provide if missing above) _____C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) _____

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1992	/	369	480	227	/	/	/	/	/	/	/	/	1076
1993	588	939	571	660	590	648	/	/	/	/	/	/	3996
1994	65	533	535	743	666	50	/	/	/	/	/	/	2592

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____ acres; Stockwatering _____; Domestic _____

Other (specify) GROUNDWATER RECHARGE

*** CONTINUE ON BACK PAGE ***

WR40-1 (1/95)

*** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ***

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

NONE

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

NA

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: MAY 30, 19 95, at TERRA BELLA - TULARE COUNTY, California

SIGNATURE: [Signature]

PRINTED NAME: JOHN EDSEL BOUDREAU
(FIRST NAME) (M. NAME) (LAST NAME)

COMPANY NAME: TERRA BELLA IRRIGATION DISTRICT

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"
"Information Pertaining to Water Rights in California"
"Water Rights for Stockponds Constructed Prior to 1969"
"Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. Box 2000
Sacramento, CA 95812-2000

STATEMENT OF WATER DIVERSION AND USE
INFORMATION SHEET

STATEMENT NO. 5004333

DIVERSION SITE:

OWNER'S NAME TERRA BELLA IRRIGATION DISTRICT (A PUBLIC AGENCY)
(FIRST) (MIDDLE) (LAST)

PARCEL NO. NA

PLACE OF USE:

OWNER'S NAME TERRA BELLA IRRIGATION DISTRICT (TBID)
(FIRST) (MIDDLE) (LAST)

1. PARCEL NO. NA

2. PARCEL NO. NA

3. PARCEL NO. NA

PERSON OR FIRM TO RECEIVE ALL CORRESPONDENCE AND SUPPLEMENTAL
STATEMENTS:

OWNER/LESSEE/AGENT/OTHER OWNER

NAME TBID (ATTENTION: DISTRICT MANAGER)
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS 24790 AVENUE 95
TERRA BELLA CA 93270
(CITY) (STATE) (ZIP)

TELEPHONE NO. (209) 535 - 4812

OTHERS USING ABOVE DIVERSION LOCATION:

1. NAME NA
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS NA
NA
(CITY) (STATE) (ZIP)

TELEPHONE NO. (NA) NA - NA

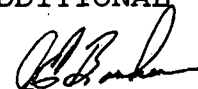
2. NAME NA
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS NA
NA
(CITY) (STATE) (ZIP)

TELEPHONE NO. (NA) NA - NA

☐ ADDITIONAL INFORMATION CONTINUED ON BACK OF PAGE OR ATTACHED

PLEASE USE THE OTHER SIDE TO PROVIDE THE ABOVE INFORMATION FOR
ADDITIONAL OWNERS OR PLACES OF USE AND CHECK THE ADDITIONAL
INFORMATION BOX.


J.E. BOUDREAU

4402.

2. 1990年12月，在《中国环境报》上，刊登了“中国环境报”

3.

DATE: _____

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1. *Pharmaceutical industry* – The pharmaceutical industry is a major player in the healthcare sector, responsible for the development, production, and distribution of drugs. It is a highly regulated industry with significant research and development costs.

1. *Chlorophyll *a** and *Chlorophyll *b** were determined by the method of Arar and Collins (1971).

1. *Chlorophyll a* (Chl *a*)

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1. *Phragmites australis* (Cav.) Trin. ex Steud.
 2. *Phragmites australis* (Cav.) Trin. ex Steud.

TERRA BELLA IRRIGATION DISTRICT

24790 AVENUE 95 • TERRA BELLA, CALIFORNIA 93270 • (209) 535-4414

President
EDWIN L. WHEATON
Vice President
JEFFREY C. BEER
Manager
JOHN E. BOUDREAU
Secretary Assessor-Collector-Treasurer
KAREN L. KERWOOD
Assistant Manager
COURTLAND H. SMITH
Consulting Engineer
DENNIS R. KELLER P.E.
Legal Counsel
JEFFREY A. MEITH

DIRECTORS
Division 1
JEFFREY C. BEER
Division 2
GARY K. SCHULTZ
Division 3
EDWIN L. WHEATON
Division 4
GLEN R. FOWLER
Division 5
CARL S. RAMOS
Secretary of Board
KAREN L. KERWOOD

June 2, 1995

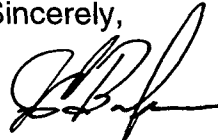
Division of Water Rights
P. O. Box 2000
Sacramento, CA 95812-2000

SUBJECT: Transmittal of Supplemental Statement of Water Diversion
and Use, statement number: S004333 and Statement of
Water Diversion and Use Information Sheet.

Ladies - Gentlemen,

Transmitted herewith is TBID's completed supplemental statement
and information sheet. Please contact the undersigned if there are
questions.

Sincerely,



John Boudreau

MEMBER FRIANT POWER AUTHORITY

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95810
901 P ST. SACRAMENTO, CA
(916) 322-4503

(916) 324-5676

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 004333

TERRA BELLA IRRIGATION DISTRICT
24790 AVENUE 95
TERRA BELLA, CA 93270

TELEPHONE NUMBER:
(209) 535-4414

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: DEER CREEK

TRIBUTARY TO:

COUNTY: TULARE

DIVERSION

WITHIN: NE1/4 OF NE1/4 SECTION 30, T22S, R28E, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1992. (Additional information on reverse side of this form.)

- A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.
- Amounts below are: ☐ Gallons ☐ Acre-feet ☐ _____ (other)

| | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | Total Annual |
|------|--|------|------|------|-----|------|------|------|-------|------|------|------|--------------|
| 1989 | | | | | | | | | | | | | |
| 1990 | NO WATER AVAILABLE TO DIVERT DUE TO DROUGHT THESE 3 YEARS. | | | | | | | | | | | | |
| 1991 | | | | | | | | | | | | | |

- B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____

Stockwatering _____

Domestic _____

Other (specify) GROUNDWATER RECHARGE

- C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

NONE

- D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

NA

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 2/13/ 19 92 at TERRA BELLA, TULARE COUNTY California

Signature: _____

J.E. BOUDREAU

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the source of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

- "Statements of Water Diversion and Use"
- "Information Pertaining to Water Rights in California"
- "Water Rights for Stockponds Constructed Prior to 1969"
- "Appropriation of Water in California"

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95810
901 P ST. SACRAMENTO, CA
(916) 322-4503

(916) 324-5676
SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATE WATER RESOURCES
CONTROL BOARD
1989 FEB 21 PM 2:48
DIV. OF WATER RIGHTS
STATEMENT NO: 004333
SACRAMENTO

DIVERTER OF RECORD:

TERRA BELLA IRRIGATION DISTRICT
24790 AVENUE 95
TERRA BELLA, CA 93270

TELEPHONE NUMBER:
(209) 535-4414

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: DEER CREEK

TRIBUTARY TO:

COUNTY: TULARE

DIVERSION

WITHIN: NE1/4 OF NE1/4 SECTION 30, T22S, R28E, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1989. (Additional information on reverse side of this form.)

- A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.
- Amounts below are: ☐ Gallons ☒ Acre-feet ☐ _____ (other)

| | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | Total Annual |
|------|------|------|------|------|-----|------|------|------|-------|----------|------|------|--------------|
| 1986 | 357 | 233 | 188 | 25 | 117 | 49 | 33 | 0 | 0 | 0 | 14 | 35 | 1051 |
| 1987 | 62 | 150 | 193 | 100 | 213 | 14 | 0 | 0 | 0 | NO RECLD | NR | NR | 732 |
| 1988 | NR | NR | NR | NR | NR | NR | NR | NR | NR | NR | NR | NR | 500* |

*ESTIMATED - RECORD KEEPING WILL RESUME FEBRUARY 1, 1989.

- B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____

Stockwatering _____

Domestic _____

Other (specify) GROUNDWATER RECHARGE

- C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

- D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 2/16/ 19 89 at TERRA BELLA, California

Signature: J.P. B... J.E. B...

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

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- "Statements of Water Diversion and Use"
- "Information Pertaining to Water Rights in California"
- "Water Rights for Stockponds Constructed Prior to 1969"
- "Appropriation of Water in California"

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS
STATEMENT OF WATER DIVERSION AND USE

\$4333

This statement should be typewritten or legibly written in ink.

A. Name of person diverting water TERRA BELLA IRRIGATION DISTRICT
Address P.O. Box 176 TERRA BELLA CA 93270

B. Name of body of water at point of diversion DEER CREEK
Tributary to NONE

C. Place of diversion NE 1/4 NE 1/4 Section 30, Township 22S, Range 28E, MD B&M, Tulare County, or locate it on sketch of section grid on reverse side with regard to section lines or prominent local landmarks. see C.R. 3-25-77

D. Name of works TERRA BELLA IRRIGATION DISTRICT

E. Capacity of diversion works ≈ 8000 GPM cubic feet per second
gallons per minute
gallons
acre-feet
Capacity of storage reservoir WATER IS DIVERTED TO WELL FIELDS
State quantity of water used each month in gallons or acre-feet

| Year | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | Total Annual |
|------|------|------|------|------|------|------|------|------|-------|------|------|------|--------------|
| 1965 | 968 | 1035 | 772 | 2341 | 1526 | 1056 | | | | | | | 7698 AF |

SEE NOTES ON BACK

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc.

Maximum annual water use in recent years 18,717 AF (1957) gallons
acre-feet

Minimum annual water use in recent years 888 AF (1960) gallons
acre-feet

Type of diversion facility: gravity X, pump

Method of measurement: weir X, flume, electric power meter, water meter, estimate

F. Purpose of use (what water is being used for) TO SUPPLY WELL FIELDS

G. General description or location of place of use (use sketch of section grid on reverse side if you desire) USED IN SECTIONS 24, 30 & 32 T22S R27E, MDB&M

H. Year of first use as nearly as known 1899

I. Name of person filing statement JOHN E. BORDREAU
Position MANAGER Organization TERRA BELLA IRRIGATION DISTRICT
Address P.O. Box 176 TERRA BELLA CA 93270

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Date signed 5/10/68

Signature [Signature]

WRCB 40 12-67

See Instructions on Reverse Side

Code 5-520-00-00-0

10292-007 11-67 10M ① 06P